

Lauren Welling (CA State Bar No. 291813)
LWelling@sssfirm.com
Michael W. Carney (CA State Bar No. 241564)
MCarney@sssfirm.com
SLATER SLATER SCHULMAN LLP
8383 Wilshire Blvd, Suite 255
Beverly Hills, CA 90211
Telephone: (310) 341-2086
Facsimile: (310) 773-5573

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

MDL No. 3084 CRB

**NOTICE OF MOTION AND MOTION TO
WITHDRAW AS COUNSEL FOR
PLAINTIFF J.K.**

This Document Relates to:

Honorable Charles R. Breyer

J.K. v. Uber Technologies, Inc., et al;
3:24-cv-05463-CRB

**NOTICE OF MOTION AND MOTION TO WITHDRAW AS COUNSEL FOR
PLAINTIFF J.K.**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD, PLEASE TAKE NOTICE
that, as soon hereafter as the matter may be heard, Slater Slater Schulman LLP (“Slater”), counsel
of record for Plaintiff, J.K. (“Plaintiff”), moves this Court for an order permitting its withdrawal
as counsel for Plaintiff.

This motion (“Motion”) is made pursuant to Local Rule 11-5(a). The Notice of Motion & Motion is based on the below Memorandum in Support and the accompanying Declaration of Lauren A. Welling (“Decl.”), attached hereto as Exhibit A. A Proposed Order is attached as Exhibit B.

MEMORANDUM IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL

Pursuant to Local Civil Rule 11-5(a) and California Rules of Professional Conduct 1.16(b)(4) and 1.16(d), Slater submits this Memorandum of Law in support of its Motion to

1 Withdraw as Counsel for Plaintiff. Slater should be permitted to withdraw as counsel for Plaintiff
 2 and respectfully requests this Court grant its Motion.

3 **STATEMENT OF FACTS**

4 An attorney may withdraw from a case by obtaining an order from the court after
 5 reasonable advance written notice has been provided to the client and to all other parties. *See Civ.*
 6 L.R. 11-5(a); *see also* Cal. Rules Prof. Conduct 1.16(d)(1).

7 Slater has been attempting to locate Plaintiff for over a year, including numerous
 8 correspondences, email communications, and telephone messages. Decl. ¶¶ 4(b-i). Slater has
 9 given Plaintiff appropriate advance notice of its intent to withdraw as counsel to Plaintiff
 10 beginning on December 13, 2024 and again on December 30, 2024, January 3, 2025, January 7,
 11 2025 and January 10, 2025, while regularly attempting to locate and speak with Plaintiff for many
 12 months with only a few sporadic responses from Plaintiff. *Id.* Slater has also given Defendants
 13 advance notice. Decl. ¶ 4(f); Decl. ¶ 6. Slater has taken all possible steps to avoid any prejudice
 14 to Plaintiff by explaining to her the possible consequences of failing to maintain contact with
 15 Slater or to meet discovery deadlines. Decl. ¶¶ 4(b-i). Slater also submitted the limited
 16 information Slater did have and, upon receiving deficiencies due to not having critical information
 17 from Plaintiff, communicated with Defendants to set up Meet & Confer processes to address her
 18 case as it attempted to try to reach her. Decl. ¶ 4(d); Decl. ¶ 4(f). Despite those efforts, Plaintiff
 19 failed to establish useful communication with Slater. Slater has thus taken all reasonable steps to
 20 avoid foreseeable prejudice to Plaintiff. Decl. ¶ 8.

21 Under California Rule of Professional Conduct 1.16(b)(4), a lawyer may withdraw from
 22 a case if “the client … renders it unreasonably difficult for the lawyer to carry out the
 23 representation effectively.” Here, Plaintiff has rendered it unreasonably difficult for Slater to carry
 24 out its representation effectively by failing to communicate with Slater and failing to provide
 25 information required to prosecute her case, despite many requests from Slater. Decl. ¶¶ 4(a-j).
 26 Slater has been unable to sufficiently meet discovery deadlines in this case as the discovery
 27 responses, *i.e.* Plaintiff Fact Sheet, requires Plaintiff’s input and verification. Moreover, pursuant
 28 to this Court’s Order Resolving Dispute Regarding Obligations Under Pretrial Order No. 10 (Dkt.

1 1877), “will supplement” responses in a Plaintiff Fact Sheet are deficient. Slater submitted all
2 information available in the Plaintiff Fact Sheet, which still contained 35 questions with no
3 answer to the question presented or a “will supplement” response. Therefore, Plaintiff’s conduct
4 falls into the express terms of Rule 1.16 regarding permissive withdrawal.

5 Because this motion is not accompanied by a substitution of counsel or an agreement by
6 Plaintiff to proceed *pro se*, Slater agrees to the condition imposed by Local Rule 11-5(b) to serve
7 Plaintiffs with all papers in this matter, unless or until Plaintiff appears *pro se*, other counsel
8 appears on Plaintiff’s behalf, or upon further order of the Court. Decl. ¶ 9.

9 **CONCLUSION**

10 Slater respectfully requests that the Court enter an order terminating its representation of
11 Plaintiff and allowing Plaintiff 30 days to retain new counsel.

12 Dated: January 13, 2025

Respectfully submitted,

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

By: /s/ Lauren Welling
Lauren Welling (CA State Bar No. 291813)
LWelling@sssfir.com
Michael W. Carney (CA State Bar No. 241564)
MCarney@sssfir.com
SLATER SLATER SCHULMAN LLP
8383 Wilshire Blvd, Suite 255
Beverly Hills, CA 90211
Telephone: (310) 341-2086
Facsimile: (310) 773-5573

Counsel for Plaintiff